



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/017,783

12/13/2001

Abdo Esmail Abdo

IBM / 156

6115

7590 05/15/2009
Thomas W. Humphrey
Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

EXAMINER

ALAM, SHAHID AL

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

05/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte Abdo Abdo

Application No. 10/017,783
Technology Center 2100

Mailed: May 14, 2009

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 18, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

TIMELINESS

The review of the file reveals that the Appellant's "Response to Examiner's Answer", filed February 25, 2009, was not timely filed.

The Examiner must respond to the Appellant's communication of February 25, 2009. An explanation should be provided. Explain to Appellant that a "Request to Reopen Prosecution" filed in response to the "New Grounds" must be filed within two months of the Examiner's Answer as per MPEP § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007). In this case, the Examiner's Answer to Appeal Brief was mailed August 5, 2008 and the Request to Reopen Prosecution must have been filed by October 5, 2008.

Any corrections made to the Examiner's Answer, but not related to the required items identified in MPEP § 1207.02, does not therefore allow for extensions of time or constitute a "Supplemental Examiner's Answer".

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to notify Appellant(s) that the Response to Examiner's Answer filed on February 25, 2009 is untimely; and

Application No. 10/017,783

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/mev

Thomas W. Humphrey
Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati OH 45202-2917